

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:19-cv-00148-MOC-DSC

DEMELYN BOURGEAULT,

Plaintiff,

v.

LOWE'S HOME CENTERS LLC f/k/a
LOWE'S HOME CENTERS INC. and
LOWE'S COMPANIES INC.,

Defendants.

ORDER

THIS MATTER is before the Court following scheduling of a telephonic discovery conference. The Court has carefully considered the parties' written submissions received in advance of the conference. The Court concludes that a telephone conference would not aid in the decisional process. Accordingly, **IT IS HEREBY ORDERED** that:

1. The telephone conference set for November 12, 2019 at 2:30pm is **CANCELLED**.
2. Defendants' objection to Plaintiff's Rule 30(b)(6) deposition notice is **OVERRULED**.
3. Testimony by Defendants' Associate General Counsel Troy O'Neale is subject to attorney-client and/or attorney work product privileges. Defendants' objection to O'Neale's testimony is **SUSTAINED**.
4. Defendants' objection to the deposition of Adam Wingfield is **OVERRULED**. Wingfield shall appear for his deposition at Plaintiff's counsel's office on either November 23, 2019 at 10:00 a.m. or December 2, 2019 at 10:00 a.m. Defendants may choose between those dates.
5. Plaintiff shall notice Fred Anthony's deposition on a mutually agreeable date.
6. Defendants shall serve their expert report by November 18, 2019, but may supplement the report by December 2, 2019. Said supplementation shall be for medical records received after service of the initial report.

7. Defendants shall respond to all other outstanding written discovery requests by November 27, 2019.

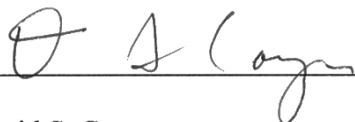
8. The discovery deadline is extended to January 6, 2020.

9. Finally, the Court notes that the parties accuse each other of failing to follow the Federal Rules of Civil Procedure, the Local Rules, the Pretrial Order and Case Management Plan, and/or other Orders in this case. There is a notable lack of cooperation on even routine matters such as the scheduling of depositions. The Court warns the parties that sanctions may be imposed for failing to comply with the Federal Rules of Civil Procedure, the Local Rules, the Pretrial Order and Case Management Plan, and/or the Court's other Orders. Sanctions may be imposed against the parties and/or their counsel.

The Clerk is directed to send copies of this Order to the parties' counsel and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: November 12, 2019



David S. Cayer
United States Magistrate Judge

